

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**PRINCETON DIGITAL IMAGE
CORPORATION,**

Plaintiff,

v.

HEWLETT PACKARD CO., *et al.*,

Defendants.

Civil Action No. 1:12-cv-00779 (RJS)

**DECLARATION OF MASANORI YOSHIDA IN SUPPORT OF DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT**

I, Masanori Yoshida, declare as follows:

1. I have personal knowledge of the facts stated herein and, if called upon to do so, could and would testify truthfully thereto.

2. I am a Senior Manager, Optical Device & Electric Imaging Products Development Center, Research & Development Management Headquarters at FUJIFILM Corporation (“FUJIFILM”). In this role, I am familiar with the incorporation and use of Microsoft technology in FUJIFILM digital cameras. I have worked for FUJIFILM since 1987.

3. For the purposes of this declaration, I will refer to the 93 FUJIFILM digital camera products identified in PDIC’s original and/or Amended Infringement Contentions as the “Accused FUJIFILM Digital Camera Products.”






4. FUJIFILM has been a customer and business partner of Microsoft Corporation for many years and includes Microsoft technology within many FUJIFILM products sold in the

United States. As part of this business relationship, FUJIFILM has license agreements with Microsoft, which provide among other things, the right to use Microsoft Windows logos on FUJIFILM's digital cameras, and drivers, including USB drivers, to permit the Accused FUJIFILM Digital Camera Products to be used in conjunction with Microsoft technology.

5. Attached as Exhibit A to the declaration of Christopher Higgins ("Higgins Declaration") is a license with Microsoft that FUJIFILM utilized to include the FAT32 file format in the Accused FUJIFILM Digital Camera Products. In order to utilize the FAT32 file format, a license from Microsoft is required. Microsoft granted a royalty-free license to any entity that complied with certain provisions of the license. Higgins Declaration Ex. A. FUJIFILM complied with such provisions and was a licensee to the FAT32 license, which allowed FUJIFILM to incorporate the FAT32 file format shown in the Accused FUJIFILM Digital Camera Products. *Id.*

6. FUJIFILM used the FAT32 file format in all of the Accused FUJIFILM Digital Camera Products between 2004 and 2007.

7. For example, in the FinePix F30 digital camera product, the following files associated with the Microsoft FAT32 file format were included:

-  fsysDosFat.h
-  fsysDosFatAPI.c
-  fsysDosFatProc1.c
-  fsysDosFatProc2.c
-  fsysFormat.c
-  fsysLib.c

These files contain the necessary code that formats captured image files to permit a seamless exchange of data between FUJIFILM cameras and Microsoft Windows computers. Exhibit B of the Higgins Declaration includes the contents of these source code files.

8. All Accused FUJIFILM Digital Camera Products passed Microsoft compatibility tests so that the Microsoft Windows logo could be displayed on each such product. Attached at Exhibit C to the Higgins Declaration is an exemplar Windows Logo Agreement between FUJIFILM and Microsoft Corporation. Attached as Exhibit D to the Higgins Declaration are excerpts from exemplary FUJIFILM User Manuals for the FUJIFILM Accused Products, which display the “Designed For Microsoft Windows” logo.

9. Every Accused FUJIFILM Digital Camera Product was subjected to, and passed, the Microsoft WHQL (Windows Hardware Quality Lab) test. This certification allowed the device to be seamlessly plugged into and operate with Microsoft products, such as a Windows PC. The program to perform the WHQL testing was provided by and administered by Microsoft. In order to receive specific Microsoft drivers for inclusion in the Accused FUJIFILM Digital Camera Products, FUJIFILM was required to perform the WHQL test on each such product. Once the product passed the WHQL test, FUJIFILM could then include many drivers and software files received from Microsoft that permit the Accused FUJIFILM Digital Camera Products to operate with Microsoft Windows.

10. Attached as Exhibit E to of the Higgins Declaration are FUJIFILM documents, with certified English translations marked thereon in relevant part, evidencing the WHQL testing performed on certain exemplary Accused FUJIFILM Digital Camera Products and the consequent acquisition of Microsoft logo. The FUJIFILM Digital Camera Products are identified by prototype/development numbers in these documents. The correspondence between the prototype/development numbers and the commercial product model numbers is shown in the following table:

Prototype/Development No.	Product Model No.
H120	A610
SU-400	S2 Pro
SU-548	E550
SU-565, SU-590	A340
SU-1810	F30

11. These documents are representative of all Accused FUJIFILM Digital Camera Products. FUJIFILM performed WHQL testing on all such products, and all such products passed those tests. Passing WHQL testing was a necessary condition for acquiring consent from Microsoft to utilize a Microsoft logo, for example, the Microsoft Windows XP logo, in conjunction with the FUJIFILM Digital Camera Products. Therefore, acquisition of the Microsoft Windows XP logo is indicative of the fact that the product successfully incorporates Microsoft drivers and software files which allow the product to communicate with a Windows PC.

12. As part of the WHQL testing, Microsoft provided to FUJIFILM certain catalog files (.cat files) for inclusion in each Accused FUJIFILM Digital Camera Product. These files were accessible to anyone that purchased such a product during the time period 2004-2007. For example, the FUJIFILM FinePix F30 digital camera product includes many .cat files. One example of a .cat file included with the FinePix F30 digital camera product is the file “u4cb010a.cat.” Without this .cat file, the camera could not connect to a Windows computer.


13. All Accused FUJIFILM Digital Camera Products include an executable file to install certain Microsoft-provided drivers. For example, in the FinePix F30 digital camera, this file is named “WindowsXP-KB830363-x86-ENU.exe.” This file is provided by Microsoft and is a critical hardware compatibility file.

14. Each Accused FUJIFILM Digital Camera Product included Microsoft's Windows Media Player. Windows Media Player is a Microsoft product that was included in FUJIFILM's camera products without alteration. This program was installable on any PC and was the same Windows Media Player available directly from Microsoft.

15. FUJIFILM scanners are designed to operate with Microsoft Windows. Exhibit F to the Higgins Declaration is an exemplary Installation Manual for the FUJIFILM Frontier Scanners, which shows the required operating system as "Windows XP Professional SP2."

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 25 day of April, at 1-324, Uetake-cho, Kita-ku, Saitama City, Japan.

A handwritten signature in blue ink that reads "Masanori Yoshida". The signature is written in a cursive, flowing style.

Masanori Yoshida